

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 5 and 7-13 have been cancelled. Claims 14-26 have been added. Claims 14-26 are pending and under consideration.

CLAIM REJECTIONS

Claims 5, 7-9 and 11-13 were rejected under 35 USC 103(a) as being unpatentable over Schuster et al. (US 6,954,454) (hereinafter "Schuster '454") in view of Voit (US 6,075,783) (hereinafter "Voit") and Schuster et al. (US 6,650,619) (hereinafter "Schuster '619").

Claim 10 was rejected under 35 USC 103(a) as being unpatentable over Schuster '454, Voit and Schuster '619 in view of Bhattacharya (US 6,353,610) (hereinafter "Bhattacharya")

Claims 5 and 7-13 have been cancelled.

NEW CLAIMS

New claims 14-26 have been added to present an alternate recitation of the present invention. Support for new claims 14-24 may be found in at least original claims 1-13. New dependent claims 25 and 26 recite that the first port referenced in claims 14 and 17, respectively, is arranged to communicate with a wireless telecommunication network. Wireless communication with cellular networks is described in the specification of the present application at least on page 1, lines 18-20.

The object of the present invention is to provide an advantageous and economical alternative to Network Gateway Systems as discussed in the specification on page 4, lines 8-13. The present invention as recited in independent claims 14 and 17 achieves this objective by adding a single channel gateway in a device for use at home or in an office, exemplified by a "Gateway Telephone" disclosed in Figure 3 and associated text in the present application. When a number of such devices are connected to both a packet based telecommunication network and a circuit switched telecommunication network, they form a distributed gateway system with a capacity that increases with each new device added to the system. The invention also discloses practical solutions to the networking of such gateway devices. Newly added independent claims 14 and 17 clearly define these attributes.

First, independent claim 14 recites a "*gateway telecommunication device*" to indicate that the invention describes a new and limited capability unit, which is different from network gateways and telephone central offices. The new claim text has full support in the specification,

where "gateway telephone (200)" is used throughout. A telephone is clearly a telecommunication device.

Second, the text "*means for initiating and receiving calls for a user in the same home and office location as where said device is located*" recited in claims 14 and 17 is implied and supported by the original text and drawings. See Figures 1 and 3 and related text.

These two recitations distinguish the present invention clearly from item 100 in Figure 2 of the Shuster '454 reference. The Examiner states that item 100 in the Schuster '454 reference is a telecommunication apparatus for voice and data communications (Figure 2). This is misleading, because the Shuster '454 reference says that item 100 is a Central Office for a telephone company, see column 1, lines 6-27, and column 4, lines 48-67. Such a central office is in reality racks (see column 4, lines 57-59 and column 6, lines 4-8) containing a large number of apparatuses, such as a central office switch 120, a network gateway 150+180, and a router 140, serving 10,000 to 200,000 users (see column 1, lines 17-21). It would not be called "an apparatus", and definitely not a "device", by those skilled in the art. Furthermore the Schuster '454 reference cannot be mistaken for a "*device, comprising ... means for initiating and receiving calls for a user in the same home and office location as where said device is located*". Even if the Examiner considers the Central Office 100 to be able to initiate and receive calls for its users (111-113), these users are not in the same home or office location as the Central Office. On the contrary, these users are spread out in thousands of home and office locations and the Central Office 100 is not even one of them.

Third, the text "*means for said user to interface with said device without using a telecommunication network*" recited in claims 14 and 17 describes, for example, control via a keyboard (Fig. 3) and the use of directly connected analog telephones and PCs interfacing with the Gateway Telephone 200 (Fig. 1).

This recitation in claims 14 and 17 distinguishes the invention clearly from the Shuster '454 reference, where item 120 connects users 111-115 to the central office 100. These users are typically miles away from the central office 100, and are "local" only in the sense that they are located in the same geographic area as the central office 100. These users interface with the switch 120 via the telecommunication network connecting the user's telephones and other terminals with the central office.

Fourth, the text "*means in said device for executing requests from said user to initiate calls to parties on the circuit switched network or the packet based telecommunication network*" recited in claims 14 and 17 is discussed in the specification at, for example, page 6, lines 15-20,

and page 7, lines 3-10.

This feature of claims 14 and 17 clearly distinguishes the claimed invention from Network Gateways, which have been the subject of earlier Office Actions. See, e.g., Office Action dated 05/03/2007, where the Examiner referred to Mortsoff et al. (US Patent 6,229,804). This reference shows a gateway 23 connected to both a PSTN network 14' and packet based network 18. The Examiner asserted that this gateway 23 was readable on original claims 1 and 4. As already stated in Applicant's response dated 8/30/2007, Item 23 in Mortsoff is a bank of gateways, or a Network Gateway. A Network Gateway has the function to forward a call initiated by a user at a remote location on one network to a called party on another network. Network Gateways do not execute a user's request to initiate a call, since the call is already initiated when the gateway function is invoked. The Examiner's statement that means for an end user to initiate calls were "implicitly shown" does not change the fact that such means are not included in a Network Gateway.

A gateway telecommunication device as recited in independent claims 14 and 17 has two distinct functions: (i) it has a basic telephony function, which allows a user *in the same home or office location as where the device is located* to initiate calls to parties on the PSTN network or the PBDN network; and (ii) it includes a single channel gateway for servicing an already initiated call from a caller at a remote location.

The single channel gateway is added solely to serve as part of a distributed gateway system for the benefit of callers at remote locations. It would not be obvious for those skilled in the art to add such a gateway means in regular IP Telephone devices. Only the present invention makes such a built-in gateway useful.

Finally, the following text is recited in the whereby clauses of both independent claims 14 and 17: "*whereby the device increases the capacity of said distributed gateway system*". For support, see page 16, lines 4-13 of the specification.

The Internet telephony gateway 150 in the Shuster '454 reference is an Internet Telephony Gateway comprising hundreds of independent gateway paths, which are selected and controlled by software in the central office 100. To name item 150 in this reference "a single channel gateway means" is misleading. It is clearly not equivalent to the claimed single channel gateway that is included in "a gateway telecommunication device for initiating and receiving calls for a user in the same home and office location where the device is located." The capacity of the gateways in the Shuster '454 reference also does not increase with the number of user devices 111 – 114 connected to the system.

The Voit and the Shuster '619 references do not anticipate the subject of independent claims 14 and 17, and do not teach anything that would make the invention covered by these claims obvious to those skilled in the art.

Accordingly, it is respectfully submitted that independent claims 14 and 17 patentably distinguish over the references cited by the Examiner in the present Office Action, as well as from references cited in the previous and earlier Office Actions.

Claims 15, 16 and 18-26 depend directly or indirectly from independent claims 14 or 17, and are therefore believed to be allowable for at least the foregoing reasons, as well as for additional patentable features recited therein.

No new matter has been added, and entry and consideration are respectfully requested.

CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. All matters have been resolved and no issues remain outstanding.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

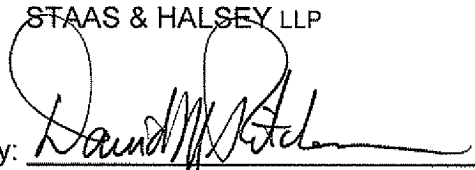
Respectfully submitted,

STAAS & HALSEY LLP

Date:

August 13, 2008

By:



David M. Pitcher

Registration No. 25,908

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501